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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,092	10/12/2000	Motoki Kobayashi	SONY-U0297	8331

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BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

PILLAI, NAMITHA

ART UNIT PAPER NUMBER

2173

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,092

Applicant(s)

KOBAYASHI ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S.

Patent No. 6, 262, 722 B1 (Allison et al.), herein referred to as Allison.

Referring to claims 1, 9 and 10, Allison discloses an information processing apparatus comprising first display control means for controlling a display of an icon hierarchy including a plurality of first icons on a first hierarchical layer (column 4, lines 34-55). Allison discloses a plurality of second icons on a second hierarchical layer at a level lower than the first hierarchical (column 4, lines 55-59). Allison also discloses a plurality of third icons on a third hierarchical layer at a level lower than the second hierarchical layer (reference number 108, Figure 7).

Allison also discloses a plurality of fourth icons on a fourth hierarchical layer at a level higher than the first hierarchical layer at a level higher (reference number 104, Figure 7). Allison discloses exhibiting an array of first icons as a column or a row on a screen and an array of second icons as another column or another row on the screen (Figure 4). Allison also discloses that the number of first and second icons displayed on the display is based on what can be supported by the display screen (column 2, lines 4-6). Allison discloses that an array of the first icons and an array of the second icons are displayed on the screen to form an array hierarchical

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structure (Figure 4). Allison discloses an icon-specifying means for specifying a desired icon from the first or second icons displayed in the array hierarchical structure (column 5, lines 14-18). Allison discloses a second display control means for changing array hierarchical structure displayed on the screen (Figure 5). Allison discloses displaying third icons to replace second icons in the array hierarchical structure on the screen and display the second icons to replace the first icons in the array hierarchical structure on the screen when the icon-specifying means specifies one of the second icons in the array hierarchical structure. Allison discloses display fourth icons to replace third icons in the array hierarchical structure on the screen, display the third icons to replace second icons in the array hierarchical structure on the screen and display the second icons to replace the first icons in the array hierarchical structure on the screen when the icon specifying means specifies one of the third icons in the array hierarchical structure. See column 8, lines 40-65, column 9, lines 60-65 and column 2, lines 11-25. The replacing of sets of columns referred to above in the claims occurs as a result of shifting, wherein horizontal shifting or vertical shifting results in the display of additional options under a distinct column to be newly displayed replacing the column at the left most or right most edge of the display. Allison clearly points out in the areas referred to above, wherein the user would use the remote to specify an icon in a column, wherein this specification would result in shifting to occur to the right or left. Furthermore, Allison discloses how this shifting results in certain columns being replaced by other columns, as is also claimed in the present invention. What is referred to in the claims as a set of icons or columns being replaced by another set, refers to the horizontal and vertical shifting discussed in Allison.

Referring to claim 2, Allison discloses that first to fourth icons may each represent content or a class of a content (column 1, lines 55-60).

Referring to claim 3, Allison discloses further having reception for receiving a content, content class or information relevant to a content or relevant to a hierarchical layer of contents (column 1, lines 55-60).

Referring to claim 4, Allison discloses having third display control means for controlling display so as to exhibit information relevant to an icon specified by the icon specifying means or information relevant to a hierarchical layer to which the specified icon pertains (column 3, lines 43-46).

Referring to claim 5, Allison discloses having fourth display control means for controlling a display of a picture showing a route to one of the second icons (column 7, lines 12-15).

Referring to claim 6, Allison discloses that the first display control names has the capability of controlling a display so as to scroll the first and second icons when the displayed icons are updated (column 8, lines 45-50).

Referring to claim 7, Allison discloses icon-specifying means where an icon on a hierarchical layer at a level lower than a hierarchical layer specified by a cursor in accordance with an operation of a predetermined key for a first direction. Allison also discloses specifying means for an icon on a hierarchical layer at a level higher than a hierarchical layer specified by a cursor in accordance with an operation of a predetermined key for a second direction. Allison also discloses specifying an icon on the same hierarchical layer specified by a cursor in

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accordance with an operation of a predetermined key for a third or fourth direction. See column 6, lines 4-16.

Response to Arguments

2. In view of the arguments filed on 7/30/04, PROSECUTION IS HEREBY REOPENED.

Reasons set forth below.

With respect to Applicant's arguments, Rowe does not disclose the first and second display control means, the arguments are valid, wherein Rowe does not discuss explicitly the use of second display control means. Allison does disclose the use of a system in addition to a second display control means which is the remote that is used for icon selection by the user.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Conclusion

3. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for displaying an icon hierarchy.

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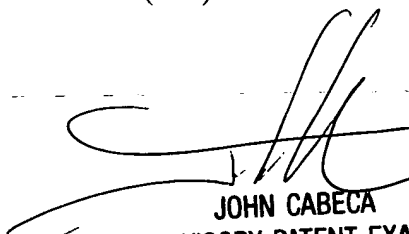
Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
April 15, 2005



JOHN CABECA
SUPERVISORY PATENT EXAMINE
TECHNOLOGY CENTER 2100